

United States District Court

Northern District of New York

CIVIL JUDGMENT

Philip Tarbell, et al.

V.

**CASE NUMBER: 7:02-cv-1072
(DEPFJS)**

Department of the Interior, et al.

[X] Decision by Court. This action came to trial or hearing before the Court.
The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

Defendant's Motion for Summary Judgment is Denied. Plaintiff's Motion for Summary Judgment is Granted. Judgment is hereby entered in Plaintiff's favor vacating the four agency actions involved and remanding the matter to the DOI for further proceedings.

All of the above pursuant to the order of the Honorable Magistrate Judge David E. Peebles, dated the 11th day of February 2004.

FEBRUARY 11th, 2004

DATE

LAWRENCE K. BAERMAN

CLERK OF COURT

**KARA LOONEY
DEPUTY CLERK**